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CONSERVATION COMMISSION

MEETING MINUTES

January 28, 2010

Beginning at 7:30 p.m.

City Hall, Room 209

Meeting called to order at 7:37 p.m.

MEMBERS PRESENT: Ira Wallach, Chair, S. Lunin, Vice-chair, N. Richardson, D. Dickson, Jane Sender

MEMBERS ABSENT: D. Green, J. Hepburn, and R. Matthews

MEMBERS OF THE PUBLIC: See attached sign-in sheet

64 Allen Ave. –Beethoven Brook-NOI – DPW Maintenance on clogged pipe was followed by excavation of stream channel, then placement of concrete blocks along sides of stream and rip-rap altered stream bank character;

Report: Continue to the March 25th for a restoration plan.

CSX Vegetation Management Plan RDA continued – ROW spraying of herbicides in riverfront and buffer to bank of the Charles River, in bordering vegetated wetlands, and possibly floodzone, and in an area proximal to a public drinking water supply. Awaiting site visit to confirm wetland resource area(s);

Report: Continue to March 25th to schedule site visit.

134 Vine St., RDA continued– for plantings and alteration of vegetation in the 100 ft buffer to bordering vegetated wetland. Awaiting revised planting plan;

Report: Continue to the March 25th for planting plan.

Charles River Lower Falls Bridge (P40) – NOI - Bridge conversion to pedestrian use & path construction. Continued for time to review information presented late;

Report: New material presented. Pedestrian path in riverfront specifically mentioned in regulations as example of “limited project” that may not meet the regulations (see packet for recommended findings and conditions). Applicant agreed to continue to review new material and prepare draft conditions.

Meeting: Dan Driscoll, DCR, Greg Embaro, Simpson Gumpertz & Heler, Robert Weidnecht, Beals & Thomas, Inc., and Mike Howard, Epsilon Assoc., were present to discuss the project. They made a brief presentation of the changes on revised plan (pp. C2 and C3) dated 1-26-2010, showing the replacement of the proposed rip-rap with geotextile fabric and a planting of low-bush blueberry, annual rye and pine seedlings on the slopes behind the bridge abutment, and removal of proposed rip-rap from drainage swale. The contractor will first remove any unsuitable fill on the slope and dispose of it. Planner has new condition to the ten (10) proposed previously, requiring fill material on side slopes that will help to ensure viability of shrubs and small trees planted on slope. I. Wallach read aloud the proposed conditions, including newest one. Following some discussion, **motion by N. Richardson to approve findings and conditions as written. Second by S. Lunin. Vote: 4-0 aye. Motion passed.**

Conservation Commission

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296 Islington Rd. – OOC expired in 2002. As-built and certification letter received. OOC special condition #26 not met (called for plantings to stabilize bank – owner said she planted strawberries and ferns);

Meeting: Lucia Marshall was present for 296 Islington Road. She explained that she had paid a landscape designer to prepare a planting plan and submitted to Planner. Planner noted the planting plan contains many non-native plants and reported that Dan Green, who is not present tonight, had asked that she relay his preference that plantings be native. Following discussion, **motion by S. Lunin to issue partial COC for prior addition under OOC, with understanding owner can request a full COC when planting has been completed. Work for planting will be approved under Determination, since Order has expired. Second by N. Richardson. Vote: 4:0 in favor. Motion passed.**

296 Islington Rd. – RDA – Second floor addition and expansion of roof area while “winterizing” screened porch in riverfront to the Charles River and within 100 ft buffer to bank;

Report: Request not properly noticed and is being re-published for this meeting, and Commission asked for planting plan to conform to spirit of OOC for prior work. New proposal received labelled “As-built” with proposal for two (2) new sonotubes on it to replace existing deck posts for conversion of deck to larger second story addition – and attached plant list for planting slope with shrubs. Have asked for re-labelled plan – an “as-built” plan should not show proposed work.

Meeting: Lucia Marshall was present for 296 Islington Road. A plan with revised title has been submitted for the addition. The planting plan will also be executed under the Determination to complete work for the OOC issued previously (above). **Motion by S. Lunin for a positive determination #1 and a negative determination # 2 & #3, with the condition that erosion and sediment control be installed between the work and the river and that its installation be approved by the Environmental Planner prior to the start of work. Second by N. Richardson. Vote: 4-0 aye. Motion passed.**

22 & 24 Pine St. & Auburndale Av., rear – RDA – Determination of jurisdictional areas under the MA Wetlands Protection Act;

Report: A site visit on 1/14/2010 found the area covered with snow. Ground vegetation could not be viewed and the ground was frozen so soils could not be sampled. Statement from John Rockwood of EcoTec indicates presence of wetland vegetation and soils, and CAD calculations presented for isolated land subject to flooding (ILSF). ILSF (10.57(2)(b))... “Is an area which at least once a year confines standing water to a volume of at least ¼ acre –feet and to an average depth of at least six inches.” Engineering review of the calculations provided by Mr. Porter confirms that the area in question does not meet the (above) standard. This appears to be one of those low areas that has collected run-off in rainy periods but which is not large enough (watershed too small) to qualify for protection under the WPA. I cannot confirm limit of wetland soils plus vegetation, but it is immaterial if area too small for ILSF. As there is no waterbody, there can be no bordering vegetated wetland. Recommend CC find/issue Negative Determination #1.

Meeting: John Rockwood, EcoTec Inc., Verne Porter, P.L.S., and Michael Peirce, Attorney, were present for the hearing. D. Dickson asked what is planned for the property, and M. Peirce replied that nothing definite was planned until the possible wetlands had been assessed. **Motion by S. Lunin to issue negative determination #1. Second by N. Richardson. Vote: 4-0 aye. Motion passed.**

36 Hyde Av. – NOI – Demolition of garage, build new and larger garage closer to street, build addition and build deck, all in the 200 ft riverfront to Hyde Brook, and most of the work in the 100 ft buffer to bank. Landscaping/mitigation proposed to include removal of “invasives” and planting of natives;



Report: See 10.58(5) Redevelopment. A small portion of the work (including a new retaining wall) would be considered new development (10.58(4), since it is on lawn area (which is NOT considered degraded – although it is previously developed). I requested an alternatives analysis and a planting plan – new deck will be at edge of slope. Since deck is 50 ft from MAHW, it is exempt from review, except regarding erosion and sediment control issues during construction. Slope in back is very, very steep. Retaining wall will help address erosion from garage area down hillside (possibly from foot traffic down slope) and increased roof area run-off will be infiltrated. Proposal says invasives will be removed from slope, but does not specify and mitigation area with planting plan to be submitted by Jan. 20th - not received as of this date. Proponent says the work “improves the ability of the riverfront to protect the interests.” Work proposed is permissible but increases impermeable and degraded area in riverfront. Suggest condition that mitigation plantings be completed within one calendar year of issue date, and recommend special condition that no COC until/unless mitigation planting satisfactorily completed and operations and maintenance plan for stormwater infiltration is provided. And, mitigation plantings should be maintained as on-going condition.

Meeting: John Rockwood, EcoTec Inc., Verne Porter, P.L.S., Gerry Korchnar, builder, and Michael Peirce, Attorney, were present to represent the proposal. New addition will be in same position as former garage, and work will be mostly in footprint of existing degraded surface. Invasive plants to be removed include a small amount of *Phragmites*, and there may be others that will become apparent when the snow is gone. There are invasive species on opposite side of stream. Planner asked about footbridge. J. Rockwood said it was simply a board placed across the stream. The stream emerges from a pipe a short distance upstream at 42 Hyde Ave., and is piped again at Franklin St. Planner advises the project does not meet the requirements of either 10.58(4) or 10.58(5) but proposed mitigation is substantial, although no planting plan has been received. Applicant provided new plan (revision note 1-14-2010) showing proposed planting area. Discussion of placement of erosion and sediment control, i.e. no further down slope than edge of lawn. Planner to approve placement.

Motion by S. Lunin to issue OOC with the following special conditions: 1) Plants shall be planted no later than 6-1-2010, 2) on-going condition to maintain plants and planting area in perpetuity, 3) Environmental Planner shall approve planting plan prior to issuance of OOC, 4) erosion and sediment control shall include straw wattles, compost tubes, or similar product, but not haybales, which may carry weed seeds. Second by N. Richardson. Vote: 4-0 aye. Motion passed.

79 Kingswood Rd. – COC – Owner requests COC for work, although only a portion of the work was done, to include extension of deck and construction of wooden stairs from deck to lower portion of lot. Sewer hook-up and landscaping not completed.

Report: It is not apparent from file that landscaping proposed was considered ‘mitigation’, so there is no requirement that this work be completed. A partial COC for work done would be appropriate and owner has filed RDA (below) to complete work for removal of invasives and proposed native plantings not completed under OOC.

Meeting: Paul Solomon, owner, Joe Porter, V.T.P., and Pamela Hart, landscape designer, present for project. The Commission determined that sewer hook-up and landscaping is not required to be completed (landscaping does not appear to be mitigation) under the OOC, but complete OOC cannot be issued. Applicant proposes to do remaining landscaping under DOA (see below). **Motion by S. Lunin to issue partial COC, stating that sewer hook-up and landscaping not completed. Second by N Richardson. Vote: 4-0 aye. Motion passed.**

79 Kingswood Rd. –RDA – Request negative determination for landscaping work not completed under (above) OOC.



Report: I would recommend a NOI for removal of invasives; however, no filing is required for planting of native plants in riverfront (10.02(2)(b)1.d. Since the area in question is intensively landscaped, the net effect should be an improvement regardless of how work is done. A negative determination #2 would be appropriate. All work should be done by hand, else erosion and sediment control silt fence should be installed and inspected by Planner.

Meeting: Paul Solomon, owner, Joe Porter, V.T.P., and Pamela Hart, landscape designer, present for project.

Motion by S. Lunin to issue negative Determination #2, with erosion and sediment control fence as needed. Second by N. Richardson. Vote: 4-0 aye. Motion passed.

Scenic Roads – Planning Department has suggested policy for Scenic Roads ordinance and seeks CC input and letter of recommendation (in packet). The Commission may propose roads or sections of roads for inclusion in this protection.

Meeting: Michael Lepie asked to speak and said the pages given to the commission does not represent the complete policy – i.e., pages are missing. He is concerned about cost to homeowners living along scenic roads. The Commission agreed to postpone discussion until next meeting, and asked that someone from Planning do a presentation on the proposal.

Violations --Updates:

35 Kingswood Rd. – alteration of bank of Charles – restoration area planted with 20 new lowbush blueberry bushes. Will re-check spring of 2010;

15 Harwich Rd. –Violation –Have asked DEP to assist; nothing new.

34 Farwell St. – Violation – Received complaint; Assessor's check found new house and storage sheds since 2000/2001 with no permits. Buildings are in riverfront and partly on DCR property.

Meeting: Michael Peirce announced he would like to speak to the Commission regarding this property. He informed the commission he now represented the owner regarding violations on the property.

46 Farwell St. – Violation – Piles of wood chips were delivered, although not enough to do the complete path. A crew went out to spread the chips, but the piles have frozen solid.

Certificates of Compliance

214 Concord St. - As-built and certification letter received. Some changes, but increase in work area offset by removal of asphalt at side of house. Asked owner to come and discuss changes. Owner said he would come to 1-28-10 meeting.

Meeting: Joseph Da Silva was present to discuss the request. The house has been sold but no certificate of occupancy has been issued because the Certificate of Compliance has not been issued. He said the architect suggested the changes to the property (decks, paving in front, and addition of concrete pads for air conditioners) that were not shown on the approved plan to replace the garage. Planner suggested some plantings for mitigation. Upon further discussion, Joseph Da Silva offered to deposit \$500 in an account at City Hall to be used to pay for planting of two native shrubs approved by Planner in spring of 2010. Plants shall be 1 gal or larger native shrubs (Juneberry, witchhazel or winterberry) and planted before March 25, 2010. Present owners must agree. If plantings not done, Mr. Da Silva offers to forfeit the funds deposited. If plantings installed as agreed, Env. Planner will submit paperwork for money to be refunded. **Motion by S. Lunin to**



issue COC in conjunction with the offered deposit to guarantee planting when weather allows in March. Second by N. Richardson. Discussion. Mr. Da Silva said he will come in Monday with a check. Vote: 4-0 aye. Motion passed.

64 Kingswood Rd. – OOC expired in 2006. As-built and certification letter received. Owner has now removed dock, although some brush piles of trimmed vegetation still on bank.

Meeting: The commission skipped this item.

The following was taken out of order:

Environmental Science Club – I. Wallach asked that an item be taken up to vote a salary increase for David Backer to match that of the increase in leader salaries, provided that fees collected are sufficient to cover it.

Meeting: I. Wallach asked what the percentage raise is that will be awarded to the student leaders. Planner does not know but will find the information. **Motion by D. Dickson to approve a salary increase for David Backer equal to raise for the student leaders, provided that the fees collected are sufficient to cover it. Second by S. Lunin. Discussion: Amount of raise should be the same percentage awarded to the student leaders. Vote: 4 –0 aye. Motion passed.**

Announcements & General Business:

Management Plan – Dec. 11th meeting report.

Open Space Plan – considerations and member to work on committee and with Conservators?

Information: Newton family interested in funding path/boardwalk around Hammond Pond. Will report at meeting.

Meeting: Above three items were skipped.

December 17th, 2009 Meeting Minutes for approval

Meeting: Motion by S. Lunin to approve minutes. Second by D. Dickson. Vote: 4-0 aye. Motion passed.

Motion by S. Lunin to adjourn. Second by N. Richardson. Vote: 4-0 aye. Motion passed.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Anne Phelps, Sr. Environmental Planner

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